

### REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 4, 5, and 7-15 are pending in the present application; Claims 12 and 13 having been amended by way of the present amendment.

In the outstanding Office Action, Claim 15 was rejected under 35 U.S.C. § 112, first paragraph, and each of the claims were rejected under 35 U.S.C. § 103 as being unpatentable over Fukai et al. (U.S. 5,557,546) in view of Angst (U.S. 2004/0173413) and Suzuki (U.S. 4,998,601).

Claim 15 stands rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The specification contains a number of portions which provide support for the invention of Claim 15. For example, the last paragraph of independent Claim 17 recites, “the soundness diagnosing portion checks the operation of the self-diagnosis of the safety device.”

On the top of p. 84 of the originally filed specification, it is explained that the present invention includes “checking of operation of self-diagnosis function of safety device.” This function is described as including checking of the operation of self-diagnosis (timing, diagnosis items). Moreover, the checking of the operation of the self-diagnosis function of the safety device includes checking of the history of emergency detections.

An exemplary safety device is illustrated as 216 in Figure 36. This safety device is described in the originally filed specification as a mechanical safety device for bringing the car to an emergency stop by engaging with a guide rail. Moreover, the middle portion of p. 88 discusses an alternative safety device and states that the speed monitoring portion “may be provided to a safety device separate from the control panel. In the latter case, the safety device may be mounted in the car.”

At the bottom portion of p. 88 of the originally filed specification, the history information recording portion is described. If desired, the history information recording portion may be provided independently from any of the control panel, the safety device, the monitor panel, etc. Other safety devices may be utilized. See the Brief Description of the Drawings which describes the existence of a safety device with respect to Figures 1-6.

Finally, on p. 84, lines 7-9, there is described the checking of a safety device failure by self-diagnosis. This portion of p. 84 explains the use of the location of the detected failure and the checking of the cause of the failure with respect to the self-diagnosis of the safety device failure.

Based on the above-quoted portions of the originally filed specification, it is apparent that there is clear support for the soundness diagnosis portion checking the operation of the self diagnosis of the safety device.

Accordingly, the rejection under 35 U.S.C. § 112, first paragraph is respectfully requested to be withdrawn.

Each of the claims was rejected under 35 U.S.C. § 103 as being obvious over Fukai et al., Angst, and Suzuki. This rejection is respectfully traversed.

Taking independent Claim 1, for example, there is recited an elevator control apparatus. Claim 1 includes an abnormality monitoring portion, a history information recording portion, and a soundness diagnosing portion. The last two paragraphs of independent Claim 1 recite:

the abnormality monitoring portion is a speed monitoring portion that performs a comparison between a detected speed of the car and a set value, sets the set value according to a position of the car, and outputs the signal for stopping the car depending on a result of the comparison; and

the soundness diagnosing portion checks a computing result of the set value with respect to the car position for the diagnosis on the operation of the speed monitoring portion.

The outstanding Office Action relies on Suzuki for a soundness diagnosing portion. It is acknowledged that column 6, lines 34-47 of Suzuki state, “Any of these data items has its normality or abnormality determined depending upon whether or not a difference greater than an allowable value is exhibited with respect to a designated numerical value or a numerical value during the normal travel of the cage. If an abnormality is found, the operation cessation command is issued, and the nature of the abnormality is displayed.” However, the last paragraph of Claim 1 recites soundness diagnosing “with respect to the car position for the diagnosis on the operation of the speed monitoring portion.”

Accordingly, in order for independent Claim 1 to be found obvious, the prior art must disclose or suggest use of the car position for the diagnosis of the operation of the speed. This feature is not disclosed or suggested by any prior art used to reject the claims. However, regarding this feature, the outstanding Office Action states at the top portion of p. 6, “it would have been obvious to one having skill in the art at the time of the invention was made to check the set value with respect to the car position to its own allowable value with reasonable expectation of success.” It is unclear exactly what is meant by this sentence but the sentence does not address the feature of utilizing the car position for the diagnosis on the operation of the speed monitoring portion.

As no prior art discloses or suggests the claimed feature of utilizing car position for the diagnosis of the operation of the speed monitoring portion, independent Claim 1 is patentable over the prior art.

The last paragraph of Claim 12 recites a similar feature and is patentable for similar reasons as independent Claim 1 is patentable.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukai et al. in view of Angst, Suzuki and Muff et al. (U.S. 2002/0070082). This rejection is respectfully traversed.

The last paragraph of independent Claim 15 recites that the soundness diagnosing portion checks the operation of the self diagnosis of the safety device. Thus, what is required by Claim 15 is that there be a diagnosis or analysis as to whether the self-diagnosis operation is properly occurring. This feature is not disclosed or suggested in the prior art.

The outstanding Office Action, at the bottom of p. 9 and the top of p. 10, explains that Suzuki performs an automatic diagnosis on soundness of the abnormality monitoring portion. For this feature, reference is made to Suzuki at col. 6, line 28 - col. 7, line 4. However, what is disclosed in this section is the checking of an abnormality in the operation of the elevator, but there is no checking of an abnormality of a monitoring portion. The checking of an abnormality of an elevator operation is completely different from checking the abnormality of a device which monitors abnormalities. This feature is not disclosed in the prior art and is not addressed by the outstanding Office Action.

Accordingly, the rejection of independent Claim 15 is respectfully requested to be withdrawn.

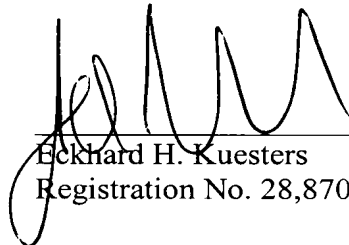
The dependent claims are patentable for at least the reasons the independent claims from which they depend are patentable.

Upon review of the claims, it was noticed that amendments to Claims 12 and 13 were appropriate in order to properly recite the invention in method format.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance, and an early and favorable action to that effect is requested.

Respectfully submitted,

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